FEDERAL REGISTER

VOLUME 5 NUMBER 186

Washington, Tuesday, September 24, 1940

The President

EXECUTIVE ORDER

TRANSFER OF LANDS FROM THE LOLO NATIONAL FOREST TO THE HELENA NATIONAL FOREST

MONTANA

By virtue of the authority vested in me by the act of June 4, 1897, 30 Stat. 11, 36 (U.S.C., title 16, sec. 473), and upon the recommendation of the Secretary of Agriculture, it is ordered that the following-described national-forest lands, in the State of Montana, be, and they are hereby, transferred from the Lolo National Forest to the Helena National Forest:

All that portion of the Lolo National Forest, as shown on the diagram accompanying Executive Order No. 5761 of December 16, 1931, lying south and east of the following-described line:

Beginning at the west quarter section corner of section 17, T. 15 N., R. 10 W., Principal Meridian, Montana, which is on the present boundary line of the Lolo National Forest; thence east following the east and west center section line of said section 17 to the center of the section, thence following the center section line to the intersection with the divide north of Dry Creek; thence following said divide in a northeasterly and northerly direction to Daly Peak; thence northwesterly following the hydrographic divide between the Mineral Creek drainage on the northeast and the McDermott Creek drainage and the Cooper's Lake drainage on the southwest, passing over Iron Mountain, Echo Mountain, Echo Pass and Windy Pass to Mineral Hill, elevation 8,345 feet; thence northeasterly following the hydrographic divide between the Mineral Creek drainage and minor drainage of the East Fork of the North Fork Blackfoot River on the east and the North Fork Blackfoot River drainage on the west to the intersection of the divide with the south line of T. 17 N., R. 10 W., Principal Meridian, Montana, near the southeast corner of section 32 of said township; thence east following the south line of said township to the southeast corner of section 33; thence north between sections 33 and 34 to the northwest corner of section 34; thence east between sections 27 and 34 to the southeast corner of section 27; thence north between sections 26 and 27 to the northwest corner of section 26; thence east between sections 23 and 26 to the southeast corner of section 23; thence north between sections 23 and 24 to the intersection with the hydrographic divide between South Creek on the northwest and Camp Creek on the southeast; thence northeasterly following said divide to the top of an unnamed peak at an elevation of approximately 8,300 feet on the hydrographic divide between the Cooney Creek drainage on the northeast and the Camp Creek drainage on the southwest; thence southeasterly, easterly and northeasterly following said divide around the headwaters of Cooney Creek to Olson Peak, on Red Ridge, elevation approximately 9,300 feet, a point on the present boundary line of the Lolo National Forest.

It is not intended by this order to give a national-forest status to any publicly-owned lands which do not now have such status, or to remove any publicly-owned lands from a national-forest status.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
September 19, 1940.

[No. 8544]

[F. R. Doc. 40-3951; Filed, September 20, 1940; 1:06 p. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER I—AGRICULTURAL MARKETING SERVICE

[SRA 159, Amendment 1]

PART 112—COLD-PACK FRUIT WAREHOUSES

AMENDMENT RELATING TO STANDARDS OF COLD-PACK FRUIT

By virtue of the authority vested in the Secretary of Agriculture by section 28 of

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THE PRESIDENT

(Continued on next page)

FEDERAL REGISTER

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the United States Warehouse Act, approved August 11, 1916 (39 Stat. 490; 7 U.S.C. 268), as amended, Part 112,[2] Chapter 1, Title 7, CFR, being the regulations of the Secretary of Agriculture for cold-pack fruit warehousemen, promulgated July 2, 1940, under said Act, are hereby amended as follows, effective immediately:

Amend § 112.67 to read:

§ 112.67 *Standards to be used.* Until such time as official marketing grades of the United States have been promulgated and are in effect, for the purpose of administering this act and these regulations, the kind and grade of cold-pack fruit shall be stated as far as applicable (a) in accordance with standards, if any, under the Federal Food, Drug and Cosmetic Act, (b) in the absence of Federal standards, in accordance with the State standards, if any, established by the State in which the warehouse is located; (c) in the absence of any State standards, in accordance with the standards, if any, adopted by any cold-pack fruit organization or by the cold-pack trade generally in the locality in which the warehouse is located, subject to the disapproval of the chief of the Service; or (d) in the absence of the aforesaid standards, in accordance with any standards approved by the chief of the Service.

Done at Washington this 20th day of September 1940.

Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 40-3954; Filed, September 20, 1940; 3:31 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER V—MILITARY RESERVATIONS AND NATIONAL CEMETERIES

PART 52—REGULATIONS AFFECTING MILITARY RESERVATIONS[1]

COMMANDING OFFICER

§ 52.18 *Duties, general.*

* * * * *

(e) *Construction of buildings other than public.* No buildings other than public will be erected or constructed on military reservations unless authority is granted by the Secretary of War under a revocable license in which the conditions for occupancy will be clearly set forth. Exceptions may be made with respect to unimportant and temporary structures such as are necessary and incident to the work of contractors on Government work, provided that such temporary buildings will be removed at the expiration of the permit. It is the policy of the War Department to eliminate as promptly as practicable all temporary structures on military reservations. The Panama Canal, Hawaiian, Philippine, and Puerto Rican Departments, and Alaska, are excepted from these provisions in view of the special situations therein. See also section I, AR 30-1435.[2] (R. S. 161; 5 U.S.C. 22) [Par. 24, AR 210-10, July 1, 1939, as amended by sec. II, Cir. 104, W.D., Sept. 17, 1940]

* * * * *

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 40-3953; Filed, September 20, 1940; 3:07 p. m.]

CHAPTER VIII—PROCUREMENT AND DISPOSAL OF EQUIPMENT AND SUPPLIES

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS[1]

ADVERTISING FOR BIDS

§ 81.10 *Invitations for bids.*

* * * * *

(f) *Special conditions authorized or required to be included.*

* * * * *

(20) *Federal, State, and local taxes.* Invitations for bids and bids will contain the following (as to applicable Federal taxes, see section 81.3 (a) (1)):

(R.S. 3709; 31 Stat. 905, 32 Stat. 514; 41 U.S.C. 5, 10 U.S.C. 1201) [Par. 10, AR 5-140, May 22, 1940, as amended by Proc. Cir. 27, W.D., Sept. 13, 1940]

(i) *Federal taxes.* * * *

* * * * *

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 40-3961; Filed, September 23, 1940; 9:27 a. m.]

[1] § 52.18 (e) is amended.
[2] 5 F.R. 2472.

[1] § 81.10 (f) (20) is amended.
[2] Administrative regulations of the War Department relative to construction.

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS AUTHORITY

[Amendment 72, Civil Air Regulations]

Redesignation of Control Zones of Intersection and Certain Airway Traffic Control Areas

At a session of the Civil Aeronautics Board of the Civil Aeronautics Authority held at its office in Washington, D. C., on the 20th day of September 1940.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 601 (a) of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective October 15, 1940, Part 60 of the Civil Air Regulations is amended as follows:

1. By amending § 60.22 to read as follows:

§ 60.22 *Control zones of intersection designation.* The radio range station of the Administrator of Civil Aeronautics located at each of the following cities is designated as the center of a control zone of intersection: Albany, N. Y.; Albuquerque, N. Mex.; Amarillo, Tex.; Belgrade, Mont.; Boston, Mass.; Billings, Mont.; Bismarck, N. Dak.; Burlington, Vt.; Charleston, S. C.; Cheyenne, Wyo.; Concord, N. H.; Corpus Christi, Tex.; Daytona Beach, Fla.; Denver, Colo.; Ellensburg, Wash.; El Paso, Tex.; Fargo, N. Dak.; Helena, Mont.; Houston, Tex.; Huron, S. Dak.; Jackson, Miss.; Jacksonville, Fla.; Laramie, Wyo.; Memphis, Tenn.; Miami, Fla.; Millinocket, Maine; Minneapolis, Minn.; Nashville, Tenn.; Mobile, Ala.; New Orleans, La.; Northdalles, Oreg.; Oklahoma City, Okla.; Omaha, Nebr.; Pendleton, Oreg.; Portland, Oreg.; San Antonio, Tex.; Seattle, Wash.; Spokane, Wash.; Tallahassee, Fla.; Tampa, Fla.; Tulsa, Okla.; White Hall, Mont.; Wichita, Kans.

2. By amending § 60.2402 to read as follows:

§ 60.2402 *Green civil airway No. 3 airway traffic control areas (Los Angeles, Calif., to Philadelphia, Pa.).* Those portions of green civil airway No. 3: From the Municipal Airport, Los Angeles, Calif., to a line extended at right angles across such airway through a point on the center line thereof 25 miles east of the Ashfork, Ariz., radio range station; from a line extended at right angles across such airway through a point on the center line thereof 25 miles northeast of the Wichita, Kans., radio range station, to the Philadelphia, Pa., Municipal Airport.

3. By amending § 60.2415 to read as follows:

§ 60.2415 *Amber civil airway No. 6 airway traffic control areas (Jacksonville, Fla., to Buffalo, N. Y.).* Those portions of amber civil airway No. 6: From a line extended at right angles across such airway through a point on the center line thereof 25 miles northwest of the Alma, Ga., radio range station, to a line extended at right angles across such airway through a point on the center line thereof 25 miles southeast of the Nashville, Tenn., radio range station; from a line extended at right angles across such airway through a point on the center line thereof 25 miles northeast of the Nashville, Tenn., radio range station to the Buffalo, N. Y., radio range station.

4. By amending § 60.24211 to read as follows:

§ 60.24211 *Red civil airway No. 12 airway traffic control areas (Kansas City, Mo., to Detroit, Mich.).* All of red civil airway No. 12.

5. By amending § 60.24213 to read as follows:

§ 60.24213 *Red civil airway No. 14 airway traffic control areas (Lone Rock, Wis., to Louisville, Ky.).* All of red civil airway No. 14.

6. By amending § 60.24217 to read as follows:

§ 60.24217 *Red civil airway No. 18 airway traffic control areas (Indianapolis, Ind., to Washington, D. C.).* All of red civil airway No. 18.

7. By amending § 60.24218 to read as follows:

§ 60.24218 *Red civil airway No. 19 airway traffic control areas (Dayton, Ohio to Grand Rapids, Mich.).* All of red civil airway No. 19.

8. By amending § 60.24226 to read as follows:

§ 60.24226 *Red civil airway No. 27 airway traffic control areas (Dayton, Ohio to Detroit, Mich.).* All of red civil airway No. 27.

9. By amending § 60.24314 to read as follows:

§ 60.24314 *Blue civil airway No. 15 airway traffic control areas (Columbus, Ohio to Erie, Pa.).* All of blue civil airway No. 15.

By the Civil Aeronautics Board.

[SEAL] THOMAS G. EARLY,
Acting Secretary.

[F. R. Doc. 40–3962; Filed, September 23, 1940; 9:27 a. m.]

[Amendment 73, Civil Air Regulations]

Revising the Education Requirements for Mechanic Certificates

At a session of the Civil Aeronautics Board of the Civil Aeronautics Authority held at its office in Washington, D. C., on the 20th day of September 1940.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 602 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective September 20, 1940, Part 24 of the Civil Air Regulations, as amended, is amended as follows:

1. By amending § 24.13 to read as follows:

§ 24.13 *Education.* Applicant shall be able to read, write, speak, and understand the English language: *Provided, however,* That this requirement shall not apply to an applicant employed by an air carrier outside the United States, and that Airmen Rating Records issued to such applicants as may be unable to read, write, speak, or understand the English language shall bear the following notation: "Valid only outside the United States while employed by an air carrier".

By the Civil Aeronautics Board.

[SEAL] THOMAS G. EARLY,
Acting Secretary.

[F. R. Doc. 40–3964; Filed, September 23, 1940; 9:28 a. m.]

[Amendment 74, Civil Air Regulations]

Revising the Qualifications for Aircraft Dispatcher Certificates

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 20th day of September 1940.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 602 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective September 20, 1940, Part 27 of the Civil Air Regulations, as amended, is amended as follows:

1. By inserting a new section, § 27.150, to read as follows:

§ 27.150 *Equivalent experience.* Any person who has been engaged in the dispatching of aircraft in air transportation for a period of not less than one year within the two years prior to (effective date of amendment) may be deemed by the Administrator to have met the aeronautical experience requirements prescribed in § 27.15 if application is

made prior to (one year after effective date of amendment).

By the Civil Aeronautics Board.

[SEAL] THOMAS G. EARLY,
Acting Secretary.

[F. R. Doc. 40-3965; Filed, September 23, 1940; 9:28 a. m.]

[Amendment 3, § 228.1, Economic Regulations]

At a session of the Civil Aeronautics Board of the Civil Aeronautics Authority held at its offices in Washington, D. C., on the 20th day of September 1940.

The Civil Aeronautics Board, acting pursuant to the Civil Aeronautics Act of 1938, particularly sections 205 (a) and 405 (m) thereof, and deeming its action necessary to carry out the provisions of said Act and to exercise its powers and perform its duties thereunder, hereby makes and promulgates the following regulation:

FREE TRAVEL FOR POSTAL EMPLOYEES

1. Section 228.1 of the Economic Regulations, as amended, is hereby amended to read as follows:

1. *Postal employees to be carried free.* Every air carrier carrying the mails shall carry, on any plane that it operates and without charge therefor, the following officers, agents, and inspectors of the Post Office Department, when such persons are traveling on official business relating to the transportation of mail by aircraft and are accredited as hereinafter provided:

(a) The Postmaster General.

(b) The Executive Assistant to the Postmaster General.

(c) The Assistant Postmaster General who at the time has jurisdiction over all of the air mail service, and his Deputy Assistant Postmaster General.

(d) The Director of the International Postal Service.

(e) The Superintendent, Air Mail Service, and his six Assistant Superintendents, located, respectively, at Washington, D. C., New York, N. Y., Chicago, Ill., San Francisco, Calif., Atlanta, Ga., and Fort Worth, Tex.

(f) The Superintendent, Thirteenth Division, Railway Mail Service, when traveling between his headquarters in Seattle, Wash., and Alaska, or within Alaska, on official business relating to his jurisdiction over the transportation of mail by aircraft to, from, and within Alaska.

(g) The Director of Posts of the Canal Zone, when traveling between his headquarters in the Canal Zone and Cali, Colombia, on official business relating to his jurisdiction over the United States Postal Agency at Cali, Colombia.

(h) Any agent or officer of the Post Office Department under the supervision of the Director of Posts of the Canal Zone, when traveling between the Canal Zone and Cali, Colombia, on assignment by the Director of Posts of the Canal Zone.

(i) Any inspector of the Post Office Department.

2. *Credentials required.* (a) Any person described in paragraphs 1 (a) to 1 (g), inclusive, of this regulation shall be deemed to be duly accredited upon exhibition of a certificate of the Postmaster General that the bearer is one of the persons so described and is entitled to free transportation when traveling on official business relating to the transportation of mail by aircraft, and bearing the signature of the person so described.

(b) Any person described in paragraph 1 (h) of this regulation shall be deemed to be duly accredited upon exhibition of a certificate of the Director of Posts of the Canal Zone that the bearer is one of the persons so described and is traveling on assignment by the Director of Posts of the Canal Zone relating to his jurisdiction over the United States Postal Agency at Cali, Colombia, and bearing the signature of the person so described.

(c) Any person described in paragraph 1 (i) of this regulation shall be deemed to be duly accredited upon exhibition of proper credentials evidencing that he is an inspector of the Post Office Department, and upon presentation of a "Request for Free Transportation by Air" (preferably, but not necessarily on forms supplied by the Post Office Department) executed by him in triplicate and stating:

(1) That he is an inspector of the Post Office Department;

(2) The points from and to which he is to be furnished free transportation, and the amount that would be charged a private passenger therefor; and

(3) That such travel is on official business relating to the transportation of mail by aircraft, and describing briefly but definitely the nature of such business.

3. *Requests to be filed.* On or before the tenth day of each month, each air carrier shall forward one copy of all "Requests for Free Transportation by Air" received by it during the second preceding calendar month to the Secretary of the Civil Aeronautics Board, Washington, D. C., and one copy to the Superintendent, Air Mail Service, Post Office Department, Washington, D. C. The third copy shall be retained by the carrier as part of its records.

2. This regulation shall become effective immediately.

By the Civil Aeronautics Board.

[SEAL] THOMAS G. EARLY,
Acting Secretary.

[F. R. Doc. 40-3963; Filed, September 23, 1940; 9:28 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3424]

IN THE MATTER OF CANADIAN FUR TRAPPERS CORPORATION ET AL.

§ 3.6 (a) (22) *Advertising falsely or misleadingly — Business status, advantages or connections of advertiser—Producer status of dealer or seller—Trappers:* § 3.66 (g) *Misbranding or mislabeling—Producer status of dealer or seller:* § 3.96 (b) (5) *Using misleading name—Vendor—Producer or laboratory status of dealer or seller.* Using, in connection with offer, etc., in commerce, of furs and fur garments, the word "trappers" or the words "fur trappers", either independently or in connection or conjunction with any other word or words, as descriptive of their said business, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Canadian Fur Trappers Corporation et al., Docket 3424, September 16, 1940]

§ 3.6 (a) (16) *Advertising falsely or misleadingly — Business status, advantages or connections of advertiser—Location:* § 3.6 (a) (20) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Personnel or staff.* Using, in connection with offer, etc., in commerce, of furs and fur garments, a pictorial design simulating the Royal Coat of Arms of Great Britain, or any emblem or seal suggesting or implying that the business of respondents is conducted by an organization or association formed in Canada or composed of inhabitants of Canada or any other part of the British Empire, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Canadian Fur Trappers Corporation et al., Docket 3424, September 16, 1940]

§ 3.6 (n) (2) *Advertising falsely or misleadingly — Nature — Product:* § 3.96 (a) (4) *Using misleading name—Goods—Nature.* Describing, in connection with offer, etc., in commerce, of furs and fur garments, furs in any other way than by the use of the correct name of the fur as the last word of the description thereof, prohibited; and subject to further provision that when any dye or blend is used in simulating another fur, the true name of the fur appearing as the last line of the description shall be immediately preceded by the word "dyed" or "blended", compounded with the name of the simulated fur, as: Seal—Dyed Coney; Hudson Seal—Dyed Muskrat; Mendoza Beaver—Dyed Coney; Beaverette—Dyed Coney; and American Broadtail—Processed Lamb. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Canadian Fur Trap-

pers Corporation et al., Docket 3424, September 16, 1940]

IN THE MATTER OF CANADIAN FUR TRAPPERS CORPORATION, A CORPORATION, AND DANIEL DORNFELD, JACOB DORNFELD AND MORRIS DORNFELD, AS INDIVIDUALS AND AS OFFICERS OF SAID CORPORATION

ORDER TO CEASE AND DESIST

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 16th day of September, A. D. 1940.

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, testimony and other evidence in support of the allegations of said complaint and in opposition thereto, taken before duly designated examiners of the Commission, briefs filed herein, and oral argument by Joseph C. Fehr, counsel for the Commission, and by Harry S. Hall, counsel for respondents, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Canadian Fur Trappers Corporation, a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, and Jacob Dornfeld and Morris Dornfeld, individually and as officers of said corporation, and their respective agents, representatives or employees, individual or corporate, in connection with the offering for sale, sale and distribution of furs and fur garments, in commerce as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Using the word "trappers" or the words "fur trappers", either independently or in connection or conjunction with any other word or words, as descriptive of their said business;

(2) Using a pictorial design simulating the Royal Coat of Arms of Great Britain, or any emblem or seal suggesting or implying that the business of respondents is conducted by an organization or association formed in Canada or composed of inhabitants of Canada or any other part of the British Empire;

(3) Describing furs in any other way than by the use of the correct name of the fur as the last word of the description thereof; and when any dye or blend is used in simulating another fur, the true name of the fur appearing as the last line of the description shall be immediately preceded by the word "dyed" or "blended", compounded with the name of the simulated fur, as: Seal—Dyed Coney; Hudson Seal—Dyed Muskrat; Mendoza Beaver—Dyed Coney; Beaverette—Dyed Coney; and American Broadtail—Processed Lamb.

[1] 3 F.R. 2792.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order; and

It is further ordered, That complaint hereby be, and the same hereby is, dismissed as to the respondent Daniel Dornfeld.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-3958; Filed, September 21, 1940; 11:51 a. m.]

[Docket No. 4136]

IN THE MATTER OF EMPIRE STYLE DESIGNERS LEAGUE, INC., ET AL.

§ 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices.* In connection with offer, etc., in commerce, of patterns for women's fur coats, gradings or copies thereof, and on the part of respondent Empire Style Designers League and respondent members thereof [engaged in creation of styles and designing and making of patterns for women's fur coats and the grading and copying of such patterns, and in sale and distribution thereof in commerce], and pursuant to agreement or understanding, or collectively or cooperatively, (1) arranging for and fixing uniform prices at which their said products are to be sold, (2) publishing or causing said fixed prices to be published in lists, newspapers, magazines, or other periodicals and circulars, and (3) adhering to fixed prices at which their said products are to be sold, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Empire Style Designers League, Inc., et al., Docket 4136, September 17, 1940]

IN THE MATTER OF EMPIRE STYLE DESIGNERS LEAGUE, INC., A CORPORATION; SOL VOGEL, DOING BUSINESS AS SOL VOGEL FASHION IMPORTS; ALEXANDER GREENSTEIN, AND ABRAHAM FESSLER, INDIVIDUALLY, AND AS COPARTNERS DOING BUSINESS AS GREENSTEIN FUR MODES; SAMUEL HANDELMAN; LAZARE T. SHERMAN; MENDEL LEVINE; OCTAVE GOLOS; EVANGELISTA PETROCELLI; DOING BUSINESS AS VAN-CELLI FUR FASHION COMPANY; ANTHONY T. SOZIO; BENEDICT SAVIO, DOING BUSINESS AS SAVIO FUR MODES; BERN PUBLISHERS, INC., A CORPORATION, AND ALSO AS TRADING UNDER THE NAME OF AMERICAN-MITCHELL FASHION PUBLISHERS

ORDER TO CEASE AND DESIST

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of September, A. D. 1940.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the substitute answer of respondents, which substitute answer admits all of the material allegations of fact set forth in said complaint, and states that it waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents, Empire Style Designers League, Inc., a corporation, Sol Vogel, doing business as Sol Vogel Fashion Imports, Alexander Greenstein, and Abraham Fessler, individually, and as co-partners doing business as Greenstein Fur Modes, Samuel Handelman, Lazare T. Sherman, Mendel Levine, Octave Golos, Evangelista Petrocelli, doing business as Van-Celli Fur Fashion Company, Anthony T. Sozio, Benedict Savio, doing business as Savio Fur Modes, and Bern Publishers, Inc., a corporation, and also as trading under the name of American-Mitchell Fashion Publishers, their officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale and distribution of patterns for women's fur coats, gradings or copies thereof, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from performing, pursuant to agreement or understanding, or collectively or cooperatively, the following acts or practices:

(1) Arranging for and fixing uniform prices at which their said products are to be sold;

(2) Publishing or causing said fixed prices to be published in lists, newspapers, magazines, or other periodicals and circulars; and

(3) Adhering to fixed prices at which their said products are to be sold.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-3959; Filed, September 21, 1940; 11:50 a. m.]

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

[T. D. 50232]

AIRPORT OF ENTRY

CHALKS FLYING SERVICE AIRPORT, MIAMI, FLORIDA, REDESIGNATED AS AN AIRPORT OF ENTRY FOR A PERIOD OF ONE YEAR [1]

SEPTEMBER 19, 1940.

The Chalks Flying Service Airport, Miami, Florida, is hereby redesignated

[1] This document affects the tabulation in 19 CFR 4.13.

as an airport of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the Air Commerce Act of 1926. (U.S.C. title 49, sec. 179 (b)), for a period of one year from September 17, 1940.

(Sec. 7 (b), 44 Stat. 572; 49 U.S.C., 177 (b))

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 40-3968; Filed, September 23, 1940; 11:30 a. m.]

TITLE 29—LABOR

CHAPTER V—WAGE AND HOUR DIVISION

PART 521—EMPLOYMENT OF APPRENTICES

The following amendments to Regulations, Part 521,[1] Employment of Apprentices, are hereby issued. These amendments, amending all Sections of said Regulations, shall become effective upon my signing the original and upon publication thereof in the FEDERAL REGISTER and shall be in force and effect until repealed or modified by regulations hereafter made and published.

Signed at Washington, D. C., this 14th day of September, 1940.

PHILIP B. FLEMING,
Administrator.

Whereas, it having been found by me upon investigation that in order to prevent curtailment of opportunities for employment, it is necessary to make special provision for the employment of apprentices at minimum wage rates fixed in the apprenticeship agreement, where such rates are less than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938, I hereby prescribe the following Rules and Regulations governing such employment of apprentices:

§ 521.1 *Definition of apprentice.* For the purpose of these Rules and Regulations, the term "apprentice" shall mean: a person, at least sixteen years of age,[2] who is employed to learn a skilled trade pursuant to the terms of a written apprenticeship agreement with the employer, which agreement provides (a) for not less than 4,000 hours of reasonably continuous employment for such person and (b) for participation of the apprentice in an approved schedule of work experience through employment, and (c) for at least 144 hours per year of supplemental instruction at classes in subjects related to that trade, providing such classes are available in the community.[3]

§ 521.2 *Approval of apprenticeship agreement.* An apprenticeship agreement providing for the employment of an apprentice at wage rates below the applicable minimum and therefore requiring the issuance of a special certificate, may be filed for approval with: (1) a local joint apprenticeship committee—consisting of an equal number of representatives of employers and of labor—whose membership and procedures have been recognized by a recognized state apprenticeship council (or authority), or if no such council (or authority) exists in the state, by the Federal Committee on Apprenticeship; or (2) a state apprenticeship council (or corresponding apprenticeship authority) if such council (or authority) has been recognized by the Federal Committee on Apprenticeship. Or, if no such state or local agency exists, the agreement may be filed directly with the Wage and Hour Division, which may issue a certificate authorizing the employment of the apprentice at a wage rate or rates lower than the applicable minimum under section 6 of the Act, specified in the agreement, if such agreement is found upon consultation with the Federal Committee on Apprenticeship to be in accord with its standards.

If any interested party feels aggrieved by the action of a local joint apprenticeship committee or a state apprenticeship council, the agreement may be submitted directly to the Wage and Hour Division as above provided.*

§ 521.3 *Temporary special certificates.* The written apprenticeship agreement when approved by a recognized local joint apprenticeship committee or by a recognized state apprenticeship council, and after the employer has received notice of such approval by the approving agency, shall be considered a Temporary Special Certificate, authorizing the employment of the apprentice at a wage rate or rates lower than the applicable minimum under section 6 of the Act, specified in the approved agreement, until such time as a special certificate is issued by the Administrator or his authorized representative, or the employer is notified that his request for a Special Certificate is denied. In the event that a request for a Special Certificate is denied, the Temporary Special Certificate shall be considered terminated and the employer shall thenceforth, upon receipt of notice of such denial, pay the minimum wage applicable under section 6 of the Act to the named apprentice.*

§ 521.4 *Request for special certificate.* Upon approval of the apprenticeship agreement the employer shall immediately send the approved apprenticeship agreement, or a true copy thereof, to the Wage and Hour Division, U. S. Department of Labor, Washington, D. C., with a request that a Special Certificate be issued authorizing the employment of the apprentice at the wage rate or rates, lower than the minimum wage rate applicable under section 6 of the Fair Labor Standards Act, specified in the apprenticeship agreement. Or, the approving agency, on behalf of the employer, may send the approved agreement or a true copy thereof to the Wage and Hour Division and request a certificate.*

§ 521.5 *Issuance of special certificates.* If, upon examination of the apprenticeship agreement, the Administrator or his authorized representative finds that the employment of the apprentice conforms to the requirements of these regulations, he will issue a special certificate and mail one copy to the employer (who shall keep the same on file with his employment record) and one copy to the apprentice. The special certificate will authorize the employment of the named apprentice at the rate or rates less than the minimum wage applicable under section 6 and for the length or lengths of time specified in the apprenticeship agreement. Such rate or rates and the length of time for which they are applicable shall be set forth in the certificate.*

§ 521.6 *Wages for apprentices.* No employer shall employ any apprentice at a wage rate less than the minimum wage applicable under section 6 of the Fair Labor Standards Act until he has obtained approval of the apprenticeship agreement and has received notice of such approval, which operates as a Temporary Special Certificate, or has obtained a Special Certificate as provided in these Regulations. No employer shall employ any apprentice under a Temporary Special Certificate or Special Certificate at a wage rate less than the rate applicable in such certificate.*

§ 521.7 *Cancellation of certificates.* A Special Certificate may be cancelled for violation of any of the terms of the certificate, and also for good cause to effectuate the provisions of section 14 of the Fair Labor Standards Act.*

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[1] 5 F.R. 745.

[2] Except where a higher age standard is fixed by Federal or State Law, or municipal ordinance.

[3] Par. 15 (f) of Interpretative Bulletin No. 13, issued by the Wage and Hour Division, U. S. Department of Labor, contains the following statement with respect to related supplemental instruction of apprentices: "In view of the special circumstances involved in bona fide apprenticeship training, it is our opinion that time spent in related supplemental instruction by a bona fide apprentice—one who is employed under a written apprenticeship agreement which meets the standards of the Federal Committee on Apprenticeship or which conforms substantially with such standards—need not be considered hours worked if the written apprenticeship agreement so provides * * * It should be noted, however, that related supplemental instruction does not include time spent by an apprentice in performing his regular duties or in any active work. Such time should be considered hours worked under all circumstances."

*§§ 521.1 to 521.9, inclusive, issued under the authority contained in sec. 14, 52 Stat. 1068.

§ 521.8 *Reconsideration and review.* Any person aggrieved by the action of an authorized representative of the Administrator under these regulations in denying, granting, cancelling or revoking any Special Certificate may within 15 days of such action:

(1) request reconsideration thereof by the authorized representative of the Administrator who made the decision in the first instance, and present additional evidence which may materially affect the decision, or

(2) petition for review of the decision by the Administrator or an authorized representative who has taken no part in the action which is the subject of review. Such petition must set forth grounds for the requested review. The petition will be examined by the Administrator or an authorized representative who has taken no part in the action which is sought to be reviewed.

If a request for reconsideration or a petition for review is granted, all interested parties will be afforded an opportunity to present their views either in support of or in opposition to the matters prayed for.*

§ 521.9 *Petition for amendment of regulations.* Any person wishing a revision of any of the terms of the foregoing Regulations applicable to apprentices may submit in writing to the Administrator a petition setting forth the changes desired and the reasons for proposing them. If, upon examination of the petition, the Administrator finds that a reasonable cause for amendment of the Rules and Regulations has been shown, the Administrator will either schedule a hearing, with due notice to interested parties, or will make other provision for affording interested parties an opportunity to present their views, both in support and in opposition to the proposed changes.*

[F. R. Doc. 40-3978; Filed, September 23, 1940; 11:58 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[General Docket No. 12]

IN THE MATTER OF PRESCRIBING DUE AND REASONABLE MAXIMUM DISCOUNTS OR PRICE ALLOWANCES BY CODE MEMBERS TO "DISTRIBUTORS" UNDER SECTION 4, PART II (h) OF THE BITUMINOUS COAL ACT OF 1937, AND ESTABLISHING RULES AND REGULATIONS FOR THE MAINTENANCE AND OBSERVANCE BY DISTRIBUTORS IN THE RESALE OF COAL, OF THE PRICES AND MARKETING RULES AND REGULATIONS PROVIDED BY SECTION 4 OF THE ACT. IN RE PETITION OF THE ROCHESTER & PITTSBURGH COAL COMPANY, ET AL, FOR ORDER PERMITTING CERTAIN ALLOWANCES FROM MINIMUM PRICES TO WHOLLY OWNED CANADIAN SUBSIDIARIES

NOTICE OF AND ORDER FOR HEARING

The Director of the Bituminous Coal Division of the United States Department of the Interior having on June 19, 1940, entered an order prescribing the maximum discounts that may be allowed by code members to registered distributors; and

Jurisdiction having been reserved in said order to entertain proceedings to modify any of the determinations made therein; and

The Rochester & Pittsburgh Coal Company, the Consolidation Coal Company, the Pittsburgh Coal Company, and Hanna Coal Company of Ohio, code members, having filed their joint petition praying:

(1) That the proceedings in General Docket No. 12 be reopened "for the limited purpose of taking testimony and receiving evidence relative to the advisability of permitting code member producers to allow their wholly owned Canadian subsidiary companies price allowances from minimum f. o. b. mine prices equal in amount to that permitted to be granted by petitioners to their sales agents in the United States: *Provided,* That in reselling to registered or permit distributors, in Canada, not more than the authorized maximum registered distributors' discounts shall be allowed to them by Canadian subsidiaries."

(2) That "after such proceeding is reopened and said testimony and evidence is received, that the Director issue an order permitting code member producers to allow their wholly owned Canadian subsidiary companies price allowances from minimum f. o. b. mine prices as above provided."

It is ordered, That General Docket No. 12 be reopened for the limited purpose of determining whether the modification requested by petitioners should be made, and that a hearing on such matter be held on October 1, 1940, at 10 o'clock a. m., of that day at a hearing room of the Bituminous Coal Division, 734 15th Street, Northwest, Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That D. C. McCurtain or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to such petitioners and to any other person who may have an interest in such proceeding. Any person desiring to be heard at such hearing shall file a notice to that effect with the Bituminous Coal Division on or before September 30, 1940, setting forth therein the nature of his interest and a concise statement of the matter or matters which he intends to present.

All persons are hereby notified That the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

Dated September 19, 1940.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 40-3952; Filed, September 20, 1940; 1:07 p. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

INSTRUCTIONS FOR HOLDING REFERENDUM ON COTTON MARKETING QUOTAS ON THE 1941 CROP

In view of the fact that the Secretary of Agriculture has determined and proclaimed, pursuant to the provisions of section 345 of the Agricultural Adjustment Act of 1938, that the total supply of cotton for the 1940–41 marketing year exceeds by more than 7 percent the normal supply thereof for such marketing year, a referendum, by secret ballot, of farmers who were engaged in the production of cotton in 1940 will be held on Saturday, December 7, 1940, pursuant to section 347 of said Act and in accordance with the regulations and instructions herein set forth, to determine whether they favor or oppose cotton marketing quotas on the 1941 cotton crop. Such quotas will be in effect unless more than one-third of the farmers voting in the referendum oppose them.

A. VOTING ELIGIBILITY

All farmers who were engaged in the production of cotton in 1940 are eligible to vote in the referendum (except those producing only cotton 1½ inches or more in staple length, as provided in the next paragraph). Any person who shared in the proceeds of the 1940 cotton crop as

owner (other than a landlord of a standing-rent or fixed-rent tenant), tenant, or sharecropper shall be considered as having been engaged in the production of cotton in 1940. Farmers who planted cotton in 1940 but produced no cotton on such acreage for any reason except neglect to farm the planted acreage shall be regarded as having been engaged in the production of the 1940 cotton and therefore eligible to vote.

Since the law provides that marketing quotas are not applicable to cotton the staple of which is 1½ inches or more in length, a person who was engaged in the production of such cotton in 1940 is not eligible to vote, unless in 1940 he was also engaged in the production of cotton the staple of which was less than 1½ inches in length. (Because of such provision the term "cotton" as used in these instructions and in the prescribed forms to be used hereunder means cotton having a staple length of less than 1½ inches.)

No farmer (whether an individual, partnership, corporation, association, or other legal entity) shall be entitled to more than one vote in the referendum, even though he may have been engaged in the production of cotton in 1940 on two or more farms or in two or more communities, counties, or States.

In case a group of several persons, such as husband, wife, and children, participated in the production of cotton in 1940 under a single rental or cropping agreement or lease, each person who signed the written or entered into the oral rental or cropping agreement or lease shall be entitled to one vote, but the others in such group shall not be eligible to vote.

In case two or more persons engaged in producing cotton in 1940 not as members of a partnership but as tenants in common or joint tenants or as owners of community property, each such person is entitled to one vote.

There shall be no voting by mail, proxy, or agent, or in any manner except the eligible voter personally depositing in the ballot box his ballot marked by him; but a duly authorized officer of a corporation, firm, association, or other legal entity, or a duly authorized member of a partnership, may cast its vote.

If a Community Referendum Committee determines that the fact is that a farmer residing within the jurisdiction of such committee at the time of the referendum is eligible to vote by reason of his having engaged in producing cotton in another community in 1940, the committee may issue a ballot form to him and permit him to vote, provided the committee also satisfies itself that such farmer has not previously voted in the referendum in another community. If the committee cannot so satisfy itself and the farmer insists upon voting, it shall challenge the ballot in the manner hereinafter outlined.

B. INSTRUCTIONS TO COUNTY COMMITTEES

Each County Agricultural Conservation Committee (hereinafter referred to as the County Committee) shall be responsible for the proper holding of the referendum in its county and it shall:

1. Designate one readily accessible place for balloting in each community and give public notice of the time and place for balloting therein by posting a notice on form Cotton 501, "Notice—Cotton Marketing Quota Referendum", at one or more places open to the public within each community at least 10 days in advance of the date of the referendum.

2. Make use (without advertising expense) of all available agencies of public information, including newspapers and radio, to give cotton farmers in the county full and accurate public notice of the day and hours of voting, the location of polling places, and the rules governing eligibility to vote. Such notice should be given as soon as practicable after the plans for holding the referendum in the county have been made, but must be given at least 10 days in advance of the date of the referendum.

3. Designate three cotton farmers residing in each community as members of the Community Referendum Committee to conduct the referendum in such community and name one of such members as chairman of the committee, and another of such members as vice-chairman of the committee.

4. In counties with less than 100 cotton farms the County Committee may treat the county as one community for the purpose of the referendum and shall hold the referendum and perform the duties both of County Committee and Community Referendum Committee.

5. See that each Community Referendum Committee is provided with a suitable ballot box (see C 4 below).

6. Prepare on form Cotton 503, "Register of Eligible Voters and Ballots Cast—1941 Cotton Marketing Quota Referendum", the register (so far as it can ascertain) of eligible voters for each community in the county, listing thereon the names and addresses of all persons shown on its records or known to it as producers who were engaged in the production of cotton in such community during 1940.

7. Deliver a supply of forms Cotton 502, "1941 Cotton Marketing Quota Referendum Ballot", and of forms Cotton 504, "Community Summary of 1941 Cotton Marketing Quota Ballots", as well as form Cotton 503 (as provided in paragraph 6 above), to the chairman of the respective Community Referendum Committee.

8. See to it that the Community Referendum Committees understand their duties in all respects, with particular emphasis as to (a) issuing ballot forms, (b) recording votes, (c) tabulating ballots, and (d) certifying results of the referendum in the community.

9. See that all necessary and appropriate measures are taken to insure that the referendum is conducted by secret ballot, fairly and impartially.

10. Notify the State Agricultural Conservation Committee (hereinafter referred to as the State Committee) by telephone, telegraph, or in person, as soon as possible after the closing of the polls, as to the preliminary count of "Yes" and "No" votes in the county.

11. Meet not later than 8:30 o'clock a. m., on the next week-day after the holding of the referendum, for the purpose of receiving and tabulating on form Cotton 505, "County Summary of 1941 Cotton Marketing Quota Ballots," the data reported on forms Cotton 504. Such meeting shall be open to the public. A report on form Cotton 505, showing the results in the county, shall be prepared and certified in quadruplicate, two copies of which shall be sent to the State Committee as soon as possible and in no case later than 4 calendar days after the date of the referendum, one copy posted for 60 calendar days in a conspicuous place accessible to the public in or near the office of the County Committee (hereinafter referred to as the county office), and one copy permanently filed in the county office and kept available for public inspection. One copy of each executed form Cotton 504 shall also be posted for 60 calendar days in a conspicuous place accessible to the public in or near the county office.

12. Make an investigation in each case of controversy or dispute regarding eligibility of a voter to vote in the referendum. In each case where a ballot is found in a sealed envelope marked "Challenged" by the Community Referendum Committee and bearing on the outside the voter's name and a statement of the reason for the challenge, the eligibility of such person shall be determined. If it is determined that such person is eligible, the ballot shall be placed with the challenged ballot of every other person found to be eligible, and when all the challenged ballots have been passed upon by the committee those ballots found to be cast by eligible voters shall be opened and tabulated in the county summary, but no disclosure shall be made as to how any particular person voted. If it is determined that such person is not eligible, the envelope shall not be opened but shall be preserved with the ballots, as provided in paragraph 14 of this section B.

13. Make an investigation in each case of dispute regarding the correctness of the summary of the referendum in a community. No dispute shall be investigated by the County Committee unless it is brought to its attention within 3 calendar days after the date on which the referendum was held. The County Committee shall promptly decide the dispute and immediately report its findings to the State Committee and send by registered mail or deliver in person to the office of the State Committee all voted ballots, register forms, and community summary sheets involved in the dispute.

14. Seal the voted ballots, challenged ballots found ineligible, register sheets, and community summary sheets for the county in one or more envelopes or pack-

ages (marked "Cotton Referendum 1941," followed by the name of the county) and place them under lock and key in a safe place under the custody of the Secretary of the County Agricultural Conservation Association for a period of 60 calendar days from the date of the referendum. If no notice to the contrary is received by the end of such time, the ballots shall be destroyed but the register and community summary sheets shall be permanently filed in the county office and kept available for public inspection.

C. INSTRUCTIONS TO COMMUNITY REFERENDUM COMMITTEES

Each Community Referendum Committee designated by the County Committee shall:

1. Arrange, with the assistance of the County Committee, for conducting the referendum by secret ballot, fairly and impartially.

2. Assist the County Committee in giving adequate public notice of the time and place for casting ballots in the community at least 10 days in advance of the date on which the referendum will be held.

3. Provide a place where each eligible farmer can mark and cast his ballot in secret and without interference, coercion, or duress.

4. Provide a suitable ballot box. Any container so arranged that no ballot can be seen or removed without breaking seals on the container will be suitable. If strip adhesive paper or similar seals are used, such seals should be signed or initialed by the chairman or a member of the Community Referendum Committee so that breaking or replacing the seal will so destroy or affect the identifying marks as to show that the seal has been tampered with.

5. Open the polls at the time designated by the County Committee, which time shall not be later than 9 o'clock a. m., local standard time, on the date fixed for holding the referendum.

6. Hold the referendum in a fair and unbiased manner and see that appropriate measures are taken to insure that it is conducted by secret ballot, fairly and impartially.

7. See that no device is used whereby any voter's ballot may be identified (except in the case of a challenged ballot), and instruct each voter as he is handed a ballot form that he is to mark his ballot so as to show how he votes in such manner that no one shall see how he votes and then to fold his ballot and place it in the ballot box without allowing anyone to see which way he votes.

8. Issue a ballot to each person who is eligible to vote and to each person who claims to be eligible to vote and insists upon voting even though his eligibility is challenged by the committee. Every unchallenged ballot shall be placed in the ballot box by the person who voted it. If the voter fails to fold the ballot that shall not invalidate it. In every case where the eligibility of the voter is challenged, his ballot, after being marked by the challenged person, so as to show how he votes but in such manner that no one sees how he votes, shall be folded and placed (by him, or by the committee if he refuses) in an envelope, which shall then be sealed and endorsed with his name, the word "Challenged," and a statement of the reason for the challenge, and shall then be placed in the ballot box. The letter "C" shall be entered on form Cotton 503 immediately to the left of the name of each person whose vote is challenged.

9. Record on form Cotton 503 the name and address of each farmer to whom a ballot form is issued if he is not already listed thereon prior to the time the ballot form is issued to him.

10. Enter, in the column on form Cotton 503 headed "Ballot Cast (X)," an X beside the name and address of each farmer to whom a ballot form is issued and whose ballot is placed in the ballot box (whether or not his ballot is challenged).

11. Close the polls and discontinue acceptance of ballots at 5:00 o'clock p. m., local standard time (or such later hour as is fixed by the State Committee in order to afford a full and fair opportunity to producers to vote) on the date of the referendum.

12. Immediately after closing the polls, open the ballot box and canvass the ballots cast, which canvass shall be kept open to the public.

13. Tabulate and record the results of the referendum on form Cotton 504. The number of challenged ballots cast shall be entered on form Cotton 504 in the space provided and will not be shown as being either for or against the marketing quotas. If any ballot is found to be mutilated or marked so that it cannot be determined whether the ballot was intended to show that the voter approved or opposed the marketing quotas, it shall not be counted as a ballot cast but the number of such spoiled ballots shall be entered in the space provided and such ballots sealed in an envelope marked "Spoiled Ballots", followed by the number of such ballots and the designation of the community, together with the signature or initials of the chairman or a member of the Community Referendum Committee. If any member of the Community Referendum Committee should happen to see or learn how any person besides himself voted, whether or not the ballot was challenged or found to be spoiled, he shall not disclose such knowledge to any other person, except in an investigation conducted by the County Committee hereunder.

14. Certify to the accuracy of the executed forms Cotton 503 and Cotton 504 by signing in the spaces provided.

15. Notify the County Committee, by telephone or by a member of the Community Referendum Committee in person or by a signed communication sent by messenger, as soon as possible after the closing of the polls as to the preliminary count of "Yes" and "No" votes in the community.

16. Seal the voted ballots (including those challenged), the spoiled ballots, the register sheet, and the original and one copy of the community summary in one or more envelopes appropriately identified by the designation of the community and deliver them (by a member of the Community Referendum Committee or other trustworthy person, volunteering to perform the duty without compensation) to the County Committee not later than 8:30 o'clock a. m., on the first weekday following the holding of the referendum, together with the unused ballots and other forms. The Chairman of the Community Referendum Committee (or in his absence or disability, the Vice Chairman thereof) shall be responsible for the safe delivery of such reports, ballots, and forms to the county committee.

17. Post an executed copy of form Cotton 504, as soon as it is executed, at a conspicuous place at the polling place, so that it remains posted and accessible to the public for at least 3 calendar days after the date of the holding of the referendum.

D. DISTRUCTIONS TO STATE COMMITTEES

Each State Committee shall be in charge of and responsible for the conducting of the referendum in its State in a fair, unbiased, and impartial manner, by secret ballot, and shall:

1. Notify the appropriate Regional Director of the Agricultural Adjustment Administration by telegraph as to the preliminary count in the State of votes for and votes against marketing quotas.

2. Summarize on form Cotton 506, "State Tabulation of 1941 Cotton Marketing Quota Ballots," the information contained on the forms Cotton 505 reported to it and the facts found in any investigation or recheck conducted by it and forward via air mail special delivery two fully executed forms Cotton 506 to the appropriate Regional Director, Agricultural Adjustment Administration, Washington, D. C., not later than 7 calendar days after the date of the referendum. If one sheet proves insufficient for listing the information with respect to all counties in the State, in which the referendum is required to be conducted because cotton was produced therein in 1940, additional sheets properly numbered and identified and securely attached to the first sheet may be used for continuation, in which case totals and signatures should be entered only on the last sheet. One fully executed copy of each form Cotton 505 and form Cotton 506 shall be permanently filed in the State office of the Agricultural Adjustment Administration available for public inspection.

3. Complete the investigation of any report from any county regarding ir-

regularities in the holding of the referendum or controversies as to the correctness of summaries of the referendum, not later than 10 calendar days after the date of the referendum, and forward its findings in such cases to the appropriate Regional Director.

E. RESULTS OF REFERENDUM

Final and official tabulation of the votes cast in the referendum will be made by the Agricultural Adjustment Administration and reported to the Secretary of Agriculture and the result of the referendum will be publicly proclaimed by him. The reports on Cotton 506 and related papers shall be permanently filed with such tabulation and shall remain available for public inspection in the Department of Agriculture.

Each County Committee is authorized to give out unofficial reports of the total "Yes" and total "No" votes in its county to the public press and other inquirers. Each State Committee is authorized to release to the press and other inquirers the unofficial results of the referendum for its State by counties as rapidly as the votes in the various counties are tabulated.

If the Administrator of the Agricultural Adjustment Administration or the Secretary of Agriculture deems it necessary, the report of any Community Referendum Committee, County Committee, or State Committee shall be reexamined and checked by such persons or agencies as may be designated.

Done at Washington, D. C., this 20th day of September. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 40-3956; Filed, September 21, 1940; 11:48 a. m.]

DEPARTMENT OF COMMERCE.

Civil Aeronautics Authority.

RESTRICTIONS OF AIR TRAFFIC AT WASHINGTON NATIONAL AIRPORT, SEPTEMBER 25, 1940

At a session of the Civil Aeronautics Board of the Civil Aeronautics Authority held at its office in Washington, D. C., on the 21st day of September 1940.

It appearing that:

(a) On Wednesday, September 25, 1940, certain ceremonies in connection with the dedication of the Washington National Airport will be attended by the President of the United States and that part of the ceremonies will include the operation of numerous aircraft from such airport;

(b) The nature of this occasion is such that it will tend to attract other aircraft, the presence of which would create a hazard to air commerce.

The Board finds that:

Its action in this matter is required in the public interest and is necessary to promote safety in air commerce.

Now, therefore, the Civil Aeronautics Board, acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 601 (a) thereof, issues the following regulation:

Between 3:00 and 3:45 p. m. on Wednesday, September 25, 1940, no aircraft except those given special permission by the Administrator of Civil Aeronautics shall be operated within that area lying within a radius of 10 miles, horizontally, from the center of the Washington National Airport.

By the Civil Aeronautics Board.

[SEAL] THOMAS G. EARLY,
Acting Secretary.

[F. R. Doc. 40-3966; Filed, September 23, 1940; 9:29 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

SUPPLEMENTARY DETERMINATION NO. 7, IN MATTER OF APPLICATION FOR THE EXEMPTION OF QUARRYING OF CRUSHED STONE FROM SURFACE OR OPEN CUTS FROM MAXIMUM HOURS PROVISIONS OF FAIR LABOR STANDARDS ACT OF 1938, PART 526, AS AMENDED, OF REGULATIONS ISSUED THEREUNDER, AND PARAGRAPH (8) OF THE ORIGINAL DETERMINATION MADE IN MATTER OF THE CRUSHED STONE INDUSTRY PURSUANT TO HEARING HELD JUNE 19, 1939.

Whereas, the Administrator determined after a public hearing held before Harold Stein, Presiding Officer, on June 19, 1939 that:

1. There is a branch of the crushed stone industry wherein the plants normally shut down for about six months each year, except for an insubstantial amount of production that may be produced shortly before or shortly after the main production season. This branch is located in the colder and, in general, more northerly parts of the United States; and

3. The plants in the northern branch cease operation annually at a regularly recurring season of the year, except for sales, maintenance, and similar work, because the materials used by the industry are not available for excavation, handling and processing in the form in which they must be excavated, handled, and processed, i. e., as unfrozen ledges and banks of blasted rock, because of climatic factors; and

4. The northern branch of the crushed stone industry is an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Act and Part 526 of regulations issued thereunder; and

Whereas, paragraph (8) of the above Determination provides that it shall be without prejudice to a supplementary determination enlarging the scope of the northern branch by the inclusion therein of such plants or groups of plants, if any, as operate in the same manner and for the same reasons as the plants in the northern branch described in paragraphs 1 and 3 above; and

Whereas, the National Crushed Stone Association, Inc., filed an application with the Wage and Hour Division, United States Department of Labor, on behalf of the North Mountain Crushed Stone Company of Luzerne, Pennsylvania, pursuant to paragraph (8) of the above cited original determination in the matter of the crushed stone industry, to include the excavating, hauling, and processing of crushed stone by the North Mountain Crushed Stone Company, near Harvey's Lake, Luzerne County, Pennsylvania; and

Whereas, it appeared from the application filed by the National Crushed Stone Association, Inc. on behalf of the North Mountain Crushed Stone Company of Luzerne, Pennsylvania, that the crushed stone plant of the aforesaid company in Luzerne County, Pennsylvania, operates in the same manner and for the same reason as the plants in the northern branch described in paragraphs 1 and 3 of the original determination; and

Whereas, the Administrator caused to be published in the FEDERAL REGISTER on September 7, 1940 (5 F.R. 3597), a notice setting forth the above matters which stated that, upon consideration of the facts stated in the said application for supplementary determination, the Administrator determined, pursuant to § 526.5 (b) (ii), as amended, of the regulations, that a prima facie case had been shown for enlarging the scope of the northern branch of the crushed stone industry, in accordance with paragraph (8) of the original determination and pursuant to section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526, as amended, of the regulations issued thereunder to include the crushed stone plant of the North Mountain Crushed Stone Company, in Luzerne County, Pennsylvania, and which notice stated further that, if no objection and request for hearing was received within fifteen days, the Administrator would make a finding upon the prima facie case shown on the application; and

Whereas, no objection and request for hearing was received by the Administrator within the fifteen days following the publication of said notice;

Now, therefore, pursuant to § 526.5 (b) (ii), of the regulations, as amended, the Administrator hereby finds, upon the prima facie case shown in the said application that the crushed stone plant of the North Mountain Crushed Stone Com-

pany, in Luzerne County, Pennsylvania, should be and it is hereby included within the northern branch of the crushed stone industry, in accordance with paragraph (8) of the original determination and pursuant to section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526, as amended, of the regulations issued thereunder.

Signed at Washington, D. C., this 13th day of September 1940.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 40-3976; Filed, September 23, 1940; 11:57 a. m.]

IN MATTER OF APPLICATION FOR EXEMPTION OF OPEN-CUT OR SURFACE MINING OF PLACER TIN IN TERRITORY OF ALASKA FROM MAXIMUM HOURS PROVISIONS OF FAIR LABOR STANDARDS ACT OF 1938 PURSUANT TO SECTION 7 (B) (3) AND PART 526, AS AMENDED, OF THE REGULATIONS ISSUED THEREUNDER

Whereas application was filed by the American Mining Congress for the exemption of the open-cut or surface mining of placer tin in the Territory of Alaska from the maximum hours provisions of the Fair Labor Standards Act of 1938 as a branch of an industry of a seasonal nature within the meaning of section 7 (b) (3) and Part 526, as amended, of the Regulations issued thereunder, and

Whereas it appeared that:

(1) in the United States placer tin is extracted from surface or open cuts only in the northwestern tip of the Seward Peninsula of Alaska, and

(2) the mining of placer tin from surface or open cuts is characterized by annually recurring cessation of operation, because freezing temperatures and severe climate during this period make impossible the excavating of the tin minerals, and the washing and separating thereof, and

(3) except for maintenance, repair, and sales work, the open-cut mining of placer tin in the above defined area ceases completely during a regularly recurring part of the year for a period of approximately nine months, because due to climatic and other natural causes, the materials used by the industry are not available in the form in which they are handled or processed, and

Whereas the Administrator caused to be published in the FEDERAL REGISTER on March 20, 1940 (5 F.R. 1108), a notice which stated that upon consideration of the facts stated in the said application and upon further investigation, the Administrator determined, pursuant to § 526.5 (c) of the Regulations, that a *prima facie* case had been shown for the granting of an exemption, pursuant to section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526, as amended, of the Regulations issued thereunder to the mining of placer tin from surface or open cuts in the Territory of Alaska and which notice defined the mining of placer tin from surface or open cuts to mean the extraction of such tin from pit, bank or marine deposits by hand or power methods but not to embrace any underground operations, and

Whereas said notice stated that pursuant to the procedure established by § 526.5 (c) of the Regulations, the Administrator for fifteen days following the publication of the determination, would receive objection to the granting of the exemption and request for hearing from any interested person and upon the receipt of objection and request for hearing, would set the application for hearing before himself or an authorized representative, and if no objection and request for hearing was received within fifteen days thereafter, the Administrator would make a finding upon the *prima facie* case, and

Whereas objections to the granting of the exemption were received by the Administrator but the objections did not set forth reasons which would warrant the holding of a hearing thereon, and

Whereas the objecting party has abandoned its request for a hearing,

Now, therefore, pursuant to Section 526.5 (b) (ii) of the Regulations, as amended, the Administrator hereby finds on the *prima facie* case shown in the said application that the mining of placer tin from surface or open cuts in the Territory of Alaska is a seasonal industry within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Regulations issued thereunder and, therefore, is entitled to the exemption provided in section 7 (b) (3) of the said Act.

Signed at Washington, D. C. this 16 day of September 1940.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 40-3977; Filed, September 23, 1940; 11:58 a. m.]

SUPPLEMENTARY DETERMINATION NO. 3, IN THE MATTER OF APPLICATION FOR EXEMPTION OF DREDGING AND EXCAVATING OF SAND AND GRAVEL FROM SURFACE OR OPEN CUTS FROM MAXIMUM HOURS PROVISIONS OF FAIR LABOR STANDARDS ACT OF 1938, PURSUANT TO SECTION 7 (B) (3) OF THE ACT, PART 526 AS AMENDED OF REGULATIONS ISSUED THEREUNDER, AND PARAGRAPH (8) OF ORIGINAL DETERMINATION MADE IN MATTER OF SAND AND GRAVEL INDUSTRY PURSUANT TO HEARING HELD JUNE 19, 1939

Whereas the Administrator determined after a public hearing held before Harold Stein, Presiding Officer, on June 19, 1939, that:

1. There is a branch of the sand and gravel industry wherein the plants normally shut down for about six months each year, except for an insubstantial amount of production that may be produced shortly before or shortly after the main production season. This branch is located in the colder and, in general, more northerly parts of the United States; and

3. The plants in the northern branch cease operation annually at a regularly recurring season of the year, except for sales, maintenance, and similar work, because the materials used by the industry are not available for excavation, handling and processing in the form in which they must be excavated, handled, and processed, i. e., as unfrozen sand and gravel, because of climatic factors; and

4. The northern branch of the sand and gravel industry is an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Act and Part 526 of Regulations issued thereunder; and

Whereas, paragraph (8) of the above Determination provides that it shall be without prejudice to a supplementary determination enlarging the scope of the northern branch by the inclusion therein of such plants or groups of plants, if any, as operate in the same manner and for the same reasons as the plants in the northern branch described in paragraphs 1 and 3 above; and

Whereas the Klamath Concrete Pipe Company of Klamath Falls, Oregon, filed an application with the Wage and Hour Division, United States Department of Labor, pursuant to paragraph (8) of the above cited original determination in the matter of the sand and gravel industry, for a supplementary determination enlarging the scope of the northern branch of the sand and gravel industry to include the dredging and excavating of sand and gravel by the Klamath Concrete Pipe Company, near Klamath Falls, Klamath County, Oregon; and

Whereas it appeared from the application filed by the Klamath Concrete Pipe Company of Klamath Falls, Oregon, that the sand and gravel plant of the aforesaid company in Klamath County, Oregon, operates in the same manner and for the same reason as the plants in the northern branch described in paragraphs 1 and 3 of the original determination; and

Whereas the Administrator caused to be published in the FEDERAL REGISTER on August 27, 1940 (5 F.R. 3184), a notice which stated that (a) upon consideration of the facts stated in the said application for supplementary determination, the Administrator determined, pursuant to § 526.5 (b) (ii), as amended, of the Regulations, that a *prima facie* case had been shown for enlarging the scope of the northern branch of the sand and gravel industry, in accordance with paragraph (8) of the original determination and pursuant to section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526, as amended, of the Regulations issued thereunder to include the sand and gravel plant of the Klamath Concrete Pipe Company, in Klamath County, Oregon, that (b) in accordance with the procedure established by § 526.5 (b) (ii), as amended, of the Regulations, the Administrator for fifteen days thereafter would

receive objection to the granting of the exemption and request for hearing from any interested person and upon receipt thereof would set the application for the hearing before himself or an authorized representative, and that (c) if no objection and request for hearing was received within fifteen days, the Administrator would make a finding upon the *prima facie* case shown upon the application; and

Whereas no objection and request for hearing was received by the Administrator within the said fifteen days;

Now, therefore, pursuant to § 526.5 (b) (ii) of the Regulations, as amended, the Administrator hereby finds on the *prima facie* case shown in the said application that the scope of the northern branch of the sand and gravel industry should be, and it is hereby, enlarged to include the sand and gravel plant of the Klamath Concrete Pipe Company, in Klamath County, Oregon, in accordance with paragraph (8) of the original determination and pursuant to section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526, as amended, of the Regulations issued thereunder.

Signed at Washington, D. C., this 19th day of September 1940.

BAIRD SNYDER,
Acting Administrator.

[F. R. Doc. 40-3974; Filed, September 23, 1940; 11:57 a. m.]

IN MATTER OF APPLICATION FOR EXEMPTION OF STORING OF RAW COTTON IN BALES FROM MAXIMUM HOURS PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938 AS AN INDUSTRY OF A SEASONAL NATURE PURSUANT TO SECTION 7 (B) (3) OF THE ACT AND PART 526 AS AMENDED OF THE REGULATIONS ISSUED THEREUNDER

Whereas application was filed by the National Cotton Compress and Cotton Warehouse Association for exemption of the storing of raw cotton in bales from the maximum hours provisions of the Fair Labor Standards Act of 1938, as an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Act and Part 526 as amended of the regulations issued thereunder; and

Whereas it appeared from said application and upon further investigation that:

(1) The bulk of the cotton crop matures and is harvested between the first of August and the last of December each year; and

(2) Immediately after the harvest the crop is ginned and the bulk of it moves off the farm through the gin into warehouses and compress-warehouse facilities for storage; and

(3) Warehouses and compress-warehouse facilities engaged in the storing of cotton, receive for storage more than 50 percent of the annual volume in a period or periods amounting in the aggregate to not more than 14 workweeks; and

Whereas on August 31, 1940, the Administrator caused to be published in the FEDERAL REGISTER (5 F.R. 3498) a notice which stated that (a) upon consideration of the aforesaid facts, the Administrator determined pursuant to § 526.5 (b) (ii) of the regulations that a *prima facie* case had been shown for the granting of an exemption pursuant to Section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526 of the regulations issued thereunder to the storage of cotton in cotton warehouses and compress-warehouse facilities, that (b) in accordance with the procedure established by § 526.5 (b) (ii) of the regulations, the Administrator for fifteen days thereafter would receive objection to the granting of the exemption and request for hearing from any interested person, and upon receipt thereof would set the application for the hearing before himself or an authorized representative, and that (c) if no objection and request for hearing was received within fifteen days, the Administrator would make a finding upon the *prima facie* case; and

Whereas, no objection and request for hearing was received by the Administrator within the said fifteen days;

Now, therefore, pursuant to § 526.5 (b) (ii) of the Regulations, as amended, the Administrator hereby finds on the prima facie case shown in the said application that the storage of cotton in cotton warehouses and compress-warehouse facilities is a seasonal industry within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938 and regulations issued thereunder, and therefore is entitled to the exemption provided in section 7 (b) (3) of the said Act.

Signed at Washington, D. C., this 19th day of September, 1940.

BAIRD SNYDER,
Acting Administrator.

[F. R. Doc. 40-3975; Filed, September 23, 1940; 11:57 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under Section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Hosiery Learner Regulations, September 4, 1940, (5 F.R. 3530).

Apparel Learner Regulations, September 7, 1940, (5 F.R. 3591).

Millinery Learner Regulations, Custom Made, August 29, 1940, (5 F.R. 3392).

Millinery Learner Regulations, Popular Priced, August 29, 1940, (5 F.R. 3393).

Knitted Wear Order, October 24, 1939, (4 F.R. 4351).

Textile Order, November 8, 1939, (4 F.R. 4531) as amended, April 27, 1940, (5 F.R. 1586).

Glove Order, February 20, 1940 (5 F.R. 714).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective September 24, 1940. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificate. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS, AND EXPIRATION DATE

H. W. Anthony Company, Strausstown, Pennsylvania; Hosiery; Full-Fashioned; 5 learners; September 24, 1941.

Bayside Hosiery Mills, Barnegat, New Jersey; Hosiery; Full-Fashioned; 1 learner; September 24, 1941.

Joseph Black & Sons Company, Inc., York, Pennsylvania; Seamless; 5 percent; September 24, 1941.

Blue Line Hosiery Mills, Inc., Denver, Pennsylvania; Hosiery; Full-Fashioned; 5 percent; September 24, 1941.

Commonwealth Hosiery Mills, Randleman, North Carolina; Hosiery; Seamless; 5 percent; September 24, 1941.

Bambach Roth Hosiery Mills, Castor & Amber Streets, Philadelphia, Pennsylvania; Hosiery; Full-Fashioned; 2 learners; September 24, 1941.

Conrad Hosiery Company, Inc., Petersburg, Virginia; Hosiery; Full-Fashioned; 3 learners; September 24, 1941.

Continental Hosiery Company, Henderson, North Carolina; Hosiery; Seamless; 3 learners; September 24, 1941.

Finer Full Fashion Hosiery Company, Inc., Charlotte, North Carolina; Hosiery; Full-Fashioned; 5 learners; September 24, 1941.

Graysville Hosiery Mill, Dayton, Tennessee; Hosiery; Seamless; 5 percent; September 24, 1941.

Hafer Hosiery Mills, Hickory, North Carolina; Hosiery; Seamless; 5 percent; September 24, 1941.

Lambert Hosiery Mills, Inc., Lambertville, New Jersey; Hosiery; Full-Fashioned; 5 percent; September 24, 1941.

F. F. Laughlin Hosiery Mills, Inc., Randleman, North Carolina; Hosiery;

Full-Fashioned; 5 percent; September 24, 1941.

Lorraine Hosiery Mill, Pleasantville, New Jersey; Hosiery; Full-Fashioned; 3 learners; September 24, 1941.

Massachusetts Textile Company, Fall River, Massachusetts; Hosiery; Seamless; 5 learners; September 24, 1941.

Morris Hosiery Mills, Denton, North Carolina; Hosiery; Seamless; 5 learners; September 24, 1941.

Park Hosiery Mills, Inc., Carthage, North Carolina; Hosiery; Seamless; 5 learners; September 24, 1941.

Pickwick Hosiery Mills, Inc., Corinth, Mississippi; Hosiery; Full-Fashioned; 5 percent; September 24, 1941.

Runnymede Mills, Inc., Tarboro, North Carolina; Hosiery; Seamless; 5 percent; September 24, 1941.

Salisbury Hosiery Mill, Salisbury, Maryland; Hosiery; Full-Fashioned; 5 learners; September 24, 1941.

Saybrook Hosiery Company, Williamstown, New Jersey; Hosiery; Full-Fashioned; 5 learners; September 24, 1941.

Springfield Dyeing Company, Inc., Bordentown, New Jersey; Hosiery; Full-Fashioned; 5 percent; September 24, 1941.

Supreme Hosiery Company, Jersey Shore, Pennsylvania; Hosiery; Full-Fashioned; 5 learners; September 24, 1941.

The Vaughan Knitting Company, Inc., Pottstown, Pennsylvania; Hosiery; Seamless; 5 percent; September 24, 1941.

Vermont Hosiery & Machinery Company, Northfield, Vermont; Hosiery; Seamless; 5 learners; September 24, 1941.

Walridge Knitting Mills, Helena, Arkansas; Hosiery; Seamless; 5 learners; September 24, 1941.

West Point Hosiery Company, West Point, Pennsylvania; Hosiery; Full-Fashioned; 4 learners; September 24, 1941.

Willard Hosiery Mills, Inc., Dublin, Pennsylvania; Hosiery; Full-Fashioned; 5 percent; September 24, 1941.

Louis Edelstein, 1427–35 Vine Street, Philadelphia, Pennsylvania; Apparel; Ladies' Underwear; 2 learners (75% of the applicable hourly minimum wage); September 24, 1941.

France Neckwear Company, Inc., 505 23rd Street, Union City, New Jersey; Apparel; Men's Neckwear; 5 learners (75% of the applicable hourly minimum wage); September 24, 1941.

Gross Galesburg Company, 152 E. Ferris Street, Galesburg, Illinois; Apparel; Work Clothing; 5 percent (75% of the applicable hourly minimum wage); September 24, 1941.

Ideal Sportswear Company, Inc., 127 E. 9th Street, Los Angeles, California; Apparel; Ladies' Slack Suits; 15 learners (75% of the applicable hourly minimum wage); January 24, 1941.

M. & S. Shirt Company, 32 High Street, Elizabeth, New Jersey; Apparel; Men's Shirts; 5 percent (75% of the applicable hourly minimum wage); September 24, 1941.

Parch Manufacturing Company, 208 San Francisco Street, El Paso, Texas; Apparel; Men's & Boys' Work Pants; 30 learners (75% of the applicable hourly minimum wage); January 21, 1941.

Pittsburgh Garter Company, 131 Water Street, Pittsburgh, Pennsylvania; Apparel; Suspenders, Garters, & Belts; 5 learners (75% of the applicable hourly minimum wage); September 24, 1941.

Rob Roy Company, Race Street, Cambridge, Maryland; Apparel; Boys' Dress Shirts; 12 learners (75% of the applicable hourly minimum wage); January 28, 1941.

Ashland Knitting Mills, Eleventh and Pine Streets, Ashland, Pennsylvania; Knitted Wear; Cotton Knit Underwear; 16 learners (75% of the applicable hourly minimum wage); December 3, 1940.

Wells Lamont Smith Corporation, McMinnville, Oregon; Glove; Work Gloves; 5 percent; September 24, 1941.

Signed at Washington, D. C. this 23rd day of September, 1940.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 40–3971; Filed, September 23, 1940; 11:56 a. m.]

NOTICE OF CANCELATION OF A SPECIAL LEARNER CERTIFICATE FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that a Special Certificate for the employment of learners at a subminimum rate issued to John Bromley, Riverside, New Jersey, and effective September 18, 1939, has been canceled as of May 15, 1940, pursuant to the terms of the Certificate which provide among other things that it is subject to cancelation or modification by the Administrator or his authorized representative for cause at any time. The cause which here exists is that John Bromley has sold its assets to the Wayne Knitting Mills which is now operating the plant at Riverside, New Jersey.

Signed at Washington, D. C. this 23rd day of September 1940.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 40–3972; Filed, September 23, 1940; 11:56 a. m.]

NOTICE OF CANCELLATION OF A SPECIAL LEARNER CERTIFICATE FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that a Special Learner Certificate for the employment of learners issued to the Artcraft Silk Hosiery Mills, Inc., Philadelphia, Pennsylvania, effective September 18, 1939, has been cancelled as of its effective date pursuant to its terms which provide among other things that the certificate is subject to cancellation or modification by the Administrator or his authorized representative for cause at any time.

This Notice of Cancellation shall not become effective until after the expiration of the fifteen-day period after the date this Notice appears in the FEDERAL REGISTER during which time petitions for reconsideration or review may be filed by any aggrieved person under § 522.13 of the Regulations. If a petition is properly filed, the effective date of cancellation shall be postponed until final action sustaining the cancellation is taken on such petition.

Signed at Washington, D. C., this 23rd day of September, 1940.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 40–3973; Filed, September 23, 1940; 11:56 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G–183]

IN THE MATTER OF HOME GAS COMPANY

ORDER FIXING DATE OF HEARING AND SUSPENDING RATE SCHEDULES

SEPTEMBER 20, 1940.

Commissioners: Leland Olds, Chairman; Claude L. Draper, John W. Scott and Clyde L. Seavey. Basil Manly not participating.

It appearing to the Commission that:

(a) On July 22, 1940, the Home Gas Company filed with the Commission agreements, dated August 1, 1938, with The Keystone Gas Company, Inc. and the Binghamton Gas Works, respectively designated in the files of the Commission as Home Gas Company Rate Schedules FPC Nos. 10 and 11, providing for the sale of natural gas by the Home Gas Company to The Keystone Gas Company, Inc. and Binghamton Gas Works for resale for ultimate public consumption for domestic, commercial, industrial, or any other use;

(b) On August 22, 1940, the Home Gas Company filed with the Commission agreements, dated July 1, 1940, with The Keystone Gas Company, Inc. and the Binghamton Gas Works, respectively designated in the files of the Commission as Home Gas Company Rate Schedules FPC Nos. 18 and 19, providing that increased rates or charges for such sales of natural gas to The Keystone Gas Company, Inc. and Binghamton Gas Works shall be made effective as of July 1, 1940;

(c) Without the approval of the Commission giving retroactive effect to said Rate Schedules FPC Nos. 18 and 19, as the Home Gas Company has requested, the said schedules, unless suspended by order of the Commission, will become effective as of September 22, 1940, pursuant to the provisions of the Natural Gas Act

and the amended Provisional Rules of Practice and Regulations thereunder;

(d) On August 22, 1940, the Home Gas Company filed with the Commission a document, dated August 19, 1940, which sets forth certain statements purporting to justify the proposed increased rates or charges;

(e) In purported justification of such proposed rates, said document of August 19, 1940, among other things, states that due to the depletion of its existing sources of supply it will be necessary for Home Gas Company to purchase natural gas from the United Fuel Gas Company and to have such gas transported by the Manufacturers Gas Company, The Manufacturers Light & Heat Company, and the Pennsylvania Fuel Supply Company, and that the added costs of such purchase and transportation of gas make necessary the proposed increased rates or charges for the sale of such gas by the Home Gas Company;

(f) Columbia Gas & Electric Corporation controls 100 percent of the voting stock of Home Gas Company, The Keystone Gas Company, Inc., Binghamton Gas Works, United Fuel Gas Company, Manufacturers Gas Company and Pennsylvania Fuel Supply Company, and 99.97 percent of the voting stock of The Manufacturers Light & Heat Company;

(g) The schedules of increased rates or charges contained in said Home Gas Company Rate Schedules FPC Nos. 18 and 19 may result in excessive rates or charges to The Keystone Gas Company, Inc. or the Binghamton Gas Works or place an undue burden upon ultimate consumers of natural gas, which increased rates or charges have not been shown to be justified;

The commission finds that:

It is necessary, desirable, and in the public interest that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rates or charges, and that said proposed increased rates or charges be suspended pending such hearing and the decision thereon;

The Commission, upon its own motion, orders that:

(A) A public hearing be held on October 28, 1940, at 10 o'clock a. m., in the hearing room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the lawfulness of the rates or charges contained in said Home Gas Company Rate Schedules FPC Nos. 18 and 19, for the sale of natural gas to The Keystone Gas Company, Inc. and the Binghamton Gas Works for resale for ultimate public consumption for domestic, commercial, industrial or any other use;

(B) Pending such hearing and decision thereon, the schedules of increased rates or charges contained in said Rate Schedules FPC Nos. 18 and 19, except in so far as they may provide for the sale of natural gas for resale for ultimate public consumption for industrial use, be and they are hereby suspended until February 21, 1941, or until such time thereafter as said schedules shall have been made effective in the manner prescribed by Section 4 (e) of the Natural Gas Act, unless the Commission shall hereafter otherwise order;

(C) During the said period of suspension the rates or charges collected and received by the Home Gas Company from The Keystone Gas Company, Inc. and Binghamton Gas Works, as provided in Home Gas Company Rate Schedules FPC Nos. 10 and 11, except in so far as they may be for the sale of natural gas for resale for industrial use, shall remain and continue in full power and effect;

(D) At such hearing, the burden of proof to show that any of the aforesaid proposed increased rates or charges are just and reasonable shall be upon the Home Gas Company.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 40-3967; Filed, September 23, 1940; 11:08 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4319]

IN THE MATTER OF MORTON SALT COMPANY

COMPLAINT

Pursuant to the provisions of an Act of Congress approved October 15, 1914, entitled "An Act to supplement existing laws against unlawful restraints and monopolies and for other purposes" (the Clayton Act), as amended by an Act approved June 19, 1936, entitled "An act to amend section 2 of the act entitled 'An act to supplement existing laws against unlawful restraints and monopolies and for other purposes' approved October 15, 1914, as amended (U.S.C. Title 15, Sec. 13) and for other purposes" (the Robinson-Patman Act), the Federal Trade Commission having reason to believe that the respondent hereinafter described is violating and has been violating the provisions of said Clayton Act as amended hereby issues its complaint stating its charges in that respect as follows:

PARAGRAPH 1. Respondent Morton Salt Company is a corporation organized, existing and doing business under and by virtue of the laws of the State of Illinois and having its principal place of business at 208 West Washington Street, Chicago, Illinois.

PAR. 2. Respondent corporation is now and has been engaged in the business of producing, manufacturing, offering for sale, selling and distributing salt in all parts of the United States. The respondent is one of the largest producers and distributors of salt in the United States and occupies a dominating position in said industry. Respondent sells its products to wholesalers, retailers, corporate chains, voluntary chains. Respondent sells and distributes its products in commerce between and among the various states of the United States and in the District of Columbia and preliminary to or as a result of such sale causes such products to be shipped and transported from the places of origin of the shipment to the purchasers thereof who are located in states of the United States and in the District of Columbia other than the state of origin of the shipment, and there is and has been at all times herein mentioned a continuous current of trade in commerce in said products across state lines between respondent's plants or factories and the purchasers of such products. Said products are sold and distributed for use, consumption and resale within the various states of the United States and in the District of Columbia.

PAR. 3. In the course and conduct of its business as aforesaid respondent is now and during the time herein mentioned has been in substantial competition with other corporations, individuals, partnerships and firms engaged in the business of selling and distributing salt in commerce between and among the various states of the United States and the District of Columbia.

PAR. 4. In the course and conduct of its business as aforesaid since June 19, 1936, respondent has been and is now discriminating in price between different purchasers buying such products of like grade and quality by selling its products to some of its customers at lower prices than it sells its products of like grade and quality to other of its customers who are competitively engaged one with the other in the sale of said products within the United States.

The said discriminations in price are brought about by the following practices and policy pursued by the respondent, to-wit:

(1) A discount amounting to approximately five per cent of the list price is allowed to all customers who purchase a carload of salt.

(2) In addition to the carload discount hereinbefore referred to in paragraph (1) hereof, a five per cent discount is allowed to customers whose purchases of salt during a twelve consecutive month period are equal to or in excess of fifty thousand dollars.

(3) To customers who purchase five thousand or more cases consisting of twenty-four packages to a case during a twelve consecutive month period of "free running" table salt and "iodized" salt, a discount of 10¢ per case is granted, and to customers who purchase fifty thousand or more cases of the above type salt, a discount of 15¢ per case is granted. Said discount is not in addition to, but in lieu of the discounts referred to in paragraphs (1) and (2) hereinbefore mentioned.

The discount referred to in paragraph (2) heretofore mentioned is allowed to customers of the respondent who do not purchase from the respondent fifty

thousand dollars worth of salt during a twelve consecutive month period, provided, however, the total purchases of salt from all sources made by said customer total fifty thousand dollars during said given period of time. In the industry this type of selling is known as "split business", that is, basing the price upon the requirements of a customer and not upon the actual quantity purchased from the respondent.

In addition to the discriminations effected by the aforementioned discounts respondent discriminates in price between different purchasers of its products, and such price discriminations result from respondent's selling said salt to an individual customer where the delivery thereof is made to several branches or outlets of said individual customer at prices based upon the total quantity or volume delivered to all of the separate branches or outlets of said customer provided such total quantity or volume amounts to the required minimums during the twelve consecutive month period as set forth in paragraphs (2) and (3) hereinbefore mentioned and not upon the quantity or volume delivered by the respondent to the respective branches or outlets of such individual customer.

In the industry this type of selling is known as "combine selling", that is, basing the price upon the total quantity delivered to all the separate branches or outlets of an individual customer and not upon the quantity delivered to the respective branches or outlets of said customer.

PAR. 5. The effect of the discriminations in price generally and specifically mentioned in Paragraph Four herein has been and may be substantially to lessen competition in the line of commerce in which the purchaser receiving the benefit of said discriminatory prices is engaged and to injure, destroy and prevent competition between those purchasers receiving the benefit of said discriminatory prices and those to whom they are denied, and has been and may be to tend to create a monopoly in those purchasers receiving the benefit of said discriminatory prices in said line of commerce in the various localities or trade areas in the United States in which said favored customers and their competitors are engaged in business.

PAR. 6. The foregoing acts and practices of said respondent are violations of subsection 2 (a) of section 1 of said Act of Congress, approved June 19, 1936, entitled "An Act to amend Section 2 of an act entitled 'An Act to supplement existing laws against unlawful restraints and monopolies and for other purposes' approved October 15, 1914, as amended (U.S.C. Title 15, Sec. 13) and for other purposes."

Wherefore, the premises considered, the Federal Trade Commission on this 18th day of September, A. D. 1940, issues its complaint against said respondent.

NOTICE

Notice is hereby given you, Morton Salt Company, respondent herein, that the 25th day of October, A. D. 1940, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule IX) provide as follows:

In case of desire to contest the proceeding the respondent shall within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

* * * * *

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence or other intervening procedure, to find such facts to be true, and if in the judgment of the Commission such facts admitted constitute a violation of law or laws as charged in the complaint, to make and serve findings as to the facts and an order to cease and desist from such violations. Upon application in writing made contemporaneously with the filing of such answer, the respondent, in the discretion of the Commission, may be heard on brief, in oral argument, or both, solely on the question as to whether the facts so admitted constitute the violation or violations of law charged in the complaint.

In witness whereof the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 18th day of September, A. D. 1940.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-3957; Filed, September 21, 1940; 11:50 a. m.]

FEDERAL WORKS AGENCY.

Public Works Administration.

[Administrative Order No. 291, Supplement 1]

PROJECT ENGINEER, PWA, SOUTH CAROLINA PUBLIC SERVICE AUTHORITY, POWERS, FUNCTIONS AND DUTIES.

SEPTEMBER 18, 1940.

1. Except as otherwise indicated in Paragraph 2 hereof, all the powers, functions and duties authorized to be exercised and performed by any Regional Director's Office with respect to the PWA dockets listed below and the corresponding projects are hereby transferred to and shall be exercised and performed by the Project Engineer, PWA, for the South Carolina Public Service Authority, the Applicant under PWA Docket No. 4329-P-R.

Docket Number and Applicant

4329-P-R, South Carolina Public Service Authority.
3972-P, Greenwood County, S. C.
S. C. 1011-P-F, City of Abbeville.
N. C. 1301-P-D, City of High Point.

2. The Project Engineer shall request the Director of Engineering to assign, and the latter shall assign, to the Project Engineer such Inspectors as may be necessary to provide, for PWA, adequate inspection of the projects which are under the supervision of the Project Engineer. During the period of their assignments, such Inspectors shall be responsible to the Project Engineer who may assign them to any of the projects under his supervision. When, in the opinion of the Project Engineer, the services of any Inspector so assigned to him are no longer required by him, he shall accordingly notify the Director of Engineering sufficiently in advance of the date when such Inspector's services will no longer be so required, to the end that appropriate action may be taken to arrange for the furlough of such Inspector or to utilize his services elsewhere.

3. Administrative Order No. 291, dated July 24, 1939, and all other orders and

parts of orders in conflict herewith are hereby rescinded.

E. W. CLARK,
Commissioner of Public Works.

SEPTEMBER 20, 1940.

[F. R. Doc. 40-3960; Filed, September 21, 1940; 12:48 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 70-16, 70-34]

IN THE MATTER OF SECURITIES CORPORATION GENERAL

ORDER APPROVING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of September, A. D. 1940.

Securities Corporation General, a subsidiary of International Utilities Corporation, a registered holding company, having filed (1) a declaration pursuant to section 7 of the Act regarding (a) the elimination of the deficit in its earned surplus account by a charge against capital surplus, (b) a change in its $7.00 and $6.00 Cumulative Preferred Stock, no par value, from a stated value of $50 per share to a par value of $100 per share, (c) the giving of certain voting rights to its $7.00 and $6.00 Cumulative Preferred Stock, and (d) a change in its outstanding common stock, no par value, from a stated value of 50¢ per share to a par value of $1.00 per share; and (2) an application pursuant to section 12 (c) of the Act and Rule U-12C-2 adopted thereunder for approval of the declaration and payment out of capital or unearned surplus (a) of two quarterly dividends at the rate of $1.75 per share, per quarter, on 1,843 shares of its $7.00 Cumulative Preferred Stock, now outstanding, and (b) of two quarterly dividends at the rate of $1.50 per share, per quarter, on the 4,731 shares of its $6.00 Cumulative Preferred Stock, now outstanding;

A public hearing having been held upon such application and declaration after appropriate notice, the Commission having examined the record and having made and filed its Findings and Opinion herein:

It is ordered, That said declaration be and the same hereby is permitted to become effective and that said application be and the same hereby is approved, subject to the following conditions:

(1) That no dividends shall be declared or paid by General on its common stock without prior approval of this Commission;

(2) That no charges shall be made to capital surplus without the prior approval of this Commission;

(3) That the proposed dividend payment on the $7.00 Series and $6.00 Series Cumulative Preferred Stock shall not be made until such time as all the proposed readjustments set forth in the declaration shall have been consummated;

(4) That General mail to the $7.00 Series Cumulative Preferred and the $6.00 Series Cumulative Preferred, stockholders, and to the Common stockholders, concurrently with the solicitation of proxies for approval of the proposed readjustments, a copy of this Commission's Findings and Opinion in this matter;

(5) That General within ten days after the payment of the dividends on the preferred stocks and the consummation of the proposed readjustments file with this Commission a Certificate of Notification showing that such dividends were declared and paid and such readjustments consummated in accordance with the terms and conditions of and for the purposes represented by said application and declaration, and a statement of all expenses paid or incurred in connection therewith.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-3955; Filed, September 21, 1940; 11:13 a. m.]

[File No. 54-27]

IN THE MATTER OF DERBY GAS & ELECTRIC CORPORATION AND OGDEN CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 23rd day of September, A. D. 1940.

1. An application pursuant to the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-mentioned parties;

2. *It is ordered,* That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on October 10, 1940, at 10:00 o'clock in the forenoon of that day in the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

3. *It is further ordered,* That Edward C. Johnson or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

4. Notice of such hearing is hereby given to such applicants and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. In addition notice shall be given by publication in the FEDERAL REGISTER of this notice and order for hearing. Such notice shall also be given by the above-mentioned Derby Gas & Electric Corporation to all of its stockholders of record as of the close of business on a date not earlier than September 20, 1940 by mailing to each of such stockholders at his last known Post Office address as the same appears on the books of said Corporation, a copy of Securities and Exchange Commission's Holding Company Act Release No. 2302, such mailing to be made not later than midnight on September 25, 1940.

5. The matter concerned herewith is in regard to a proposed plan for corporate simplification of Derby Gas & Electric Corporation under section 11 (e) of the said Act.

6. Paragraphs 7 to 13 inclusive herein, are included in said Release No. 2302. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before October 7, 1940.

7. The assets of Derby Gas & Electric Corporation consist principally of the entire outstanding stocks of The Derby Gas & Electric Company and The Wallingford Gas Light Company. The Corporation also had $29,576 in cash and $103,281 of loans receivable from its two subsidiaries at July 31, 1940.

8. Ogden Corporation holds all of the 50,000 outstanding shares of common stock of Derby Gas & Electric Corporation and 3,064 shares of the $7 preferred stock and 93 shares of the $6½ preferred stock. In addition Ogden holds a $5,000,000 open account indebtedness of Derby bearing interest at 5% annually.

9. According to the application 16,936 shares of the $7 preferred stock and 1,407 shares of the $6½ preferred stock of Derby are publicly held. Accumulated dividends at July 31, 1940 amounted to $30.50 per share on the $7 preferred stock and $28.30 per share on the $6½ preferred stock.

10. In brief, the plan for corporate simplification provides for the following:

1. The issuance and sale of $2,750,000 principal amount of 3% debentures, maturing in six years, by Derby Gas & Electric Corporation or by a new corporation which may be organized under the proposed plan.

2. The application of the gross proceeds of $2,750,000 from the sale of the debentures toward the payment of the $5,000,000 open account indebtedness owing to Ogden Corporation.

3. The cancellation by Ogden Corporation of the $2,250,000 balance of the indebtedness. Ogden will receive in cash all unpaid interest on the indebtedness up to the date of cancellation.

4. The cancellation by Ogden Corporation of the 50,000 shares of common stock of Derby Gas & Electric Corporation.

5. The issuance by Derby Gas & Electric Corporation or by a new corporation of 148,500 shares of new no par value common stock. Of this stock, 84,000 shares will be issued to Ogden Corporation and the balance of 64,500 shares will be issued to Derby's preferred stockholders, including Ogden Corporation, on the basis of three shares for each share of preferred stock held and accumulated dividends.

11. The plan also provides for the payment by Ogden Corporation of all expenses accruing from December 1, 1939, incurred by Derby Gas & Electric Corporation in connection with all plans for its liquidation or reorganization.

12. The plan is to become effective upon declaration by the Board of Directors, subject to prior approval by the holders of a majority of the present preferred stocks of Derby Gas & Electric Corporation, and by Ogden Corporation. At any time after such approval, the Board of Directors of Derby may request the Commission to apply to a court of competent jurisdiction to enforce and carry out the provision of the plan.

13. The company is seeking Commission action and stockholder approval of the plan described above without awaiting any further action that may be taken with respect to a plan, heretofore filed with the Commission (File No. 58–50), for the merger into a new operating utility company of The Derby Gas and Electric Company and The Wallingford Gas Light Company, the two subsidiaries of Derby Gas & Electric Corporation, and for the liquidation of Derby Gas & Electric Corporation. The Commission has not yet passed upon such plan of merger and liquidation and it is, of course, possible that there may be changes prior to consummation.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40–3970; Filed, September 23, 1940; 11:49 a. m.]